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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,495	11/19/2001	Bert E. Holland	22081	5184

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EXAMINER

MCCHESENEY, ELIZABETH A

ART UNIT PAPER NUMBER

2644

DATE MAILED: 08/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/997,495

Applicant(s)

HOLLAND, BERT E.

Examiner

Elizabeth A McChesney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 14-20 and 22 is/are rejected.
- 7) ☒ Claim(s) 9-13 and 21 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Specification

1. The different sections of the specification should be labeled. Please see below for applicable sections.

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.
- (e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject

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matter of the claimed invention. This item may also be titled "Technical Field."

- (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication, which adequately describes the subject matter.
- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet (37 CFR 1.52(b)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural

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indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

- (j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application, which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (k) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Drawings

2. The drawings are objected to because in figure 4, gasket 11 is labeled incorrectly as number 1. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. **Claims 1-5, 8 and 14** are rejected under 35 U.S.C. 102(b) as being anticipated by Kloss (US Patent No. 5,046,104).

Regarding **claim 1**, Kloss discloses a portable loudspeaker, which includes a carrying case (see figure 1), a storage compartment 64 for example for storing a portable compact disc player or a radio receiver, etc (col. 4-lines 2-5) and at least one loudspeaker 50 (see figure 2). Kloss further discloses reproduction of low frequencies using the enclosed interior space of the closed case as a loudspeaker enclosure (col. 2-lines 7-10), which reads on the claimed limitation.

Regarding **claim 2**, Kloss discloses everything claimed as applied above (see claim 1). Kloss further discloses the shells 20 and 22 are preferably thermoplastically molded from a light weight material such as polystyrene beads to provide a very stiff shell with a substantially uniform thickness (col. 2-lines 46-49). According to Webster's Dictionary polystyrene is defined as a rigid transparent thermoplastic that has a good physical and electrical insulating properties and is used in molded products, foams and sheet material and is therefore an equivalent to the claimed limitation.

Regarding **claim 3**, Kloss discloses everything claimed as applied above (see claim 1). Kloss further discloses the carrying case is formed as a matable pair of substantially rigid shells (col. 2-lines 4-5) and further that the shells 20 and 22 are thermoplastically molded from light weight material and connected by means of a claims, bolts or other ways not shown (col. 2-lines 66-68 and col. 3-line 1) in which, it is inherent as most briefcases are connected by hinges, and therefore reads on the claimed limitation.

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Regarding **claim 4**, Kloss discloses everything claimed as applied above (see claim 3). The connecting pieces, hinges, for example are separable and which are inherent in standard briefcases or carrying case, are more specifically pointed out as engageable with corresponding elements for releasably coupling the shells (col. 2-line 68 and 3-line 1).

Regarding **claim 5**, Kloss discloses everything claimed as applied above (see claim 3). Kloss further discloses the interior surfaces being coated with a film of high impact strength polymer and is therefore viewed as a very thin additional inner wall and meets the claimed limitation.

Regarding **claim 8**, Kloss discloses everything claimed as applied above (see claim 1). Kloss further discloses the inside space 44 is largely occupied by body 46 of sound absorbent material (col. 3-lines 24-25), which would of course protect the stored items as well as provide a damping of the acoustic waves.

Regarding **claim 14**, Kloss discloses everything claimed as applied above (see claim 1). Kloss further discloses an amplifier 62 (col.3-lines 65-67).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kloss (US Patent No. 5,046,104) in view of Molay (US Patent No. 4,076,957).

Regarding **claim 15**, Kloss discloses everything claimed as applied above (see claim 1). Kloss fails to specifically disclose or fairly suggest a volume potentiometer. However, Molay who also discloses a portable loudspeaker in a carrying case provides a volume control potentiometer 50 (col. 2-lines 62-63). Therefore it would have been obvious for one of ordinary skill at the time the invention was made to include a volume potentiometer as taught by Molay in the device taught by Kloss in order to control the volume to the desired setting.

Claim Rejections - 35 USC § 103

7. **Claims 6-7 and 16-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kloss (US Patent No. 5,046,104) in view of Molay (US Patent No. 4,052,561).

Regarding **claims 6 and 7**, Kloss fails to specifically disclose a lid. However, Molay discloses a lid 26 covering a deep bottom, which can be opened and can store papers and other material (col. 3-lines 9-10 and figure 1). It would have been obvious to one of ordinary skill in the art to include a lid in the teaching of Kloss in order to block off the storage items.

Regarding **claim 16**, Kloss discloses everything claimed as applied above (see claim 1). Kloss fails to specifically disclose or fairly suggest an interface for connections. However, Molay discloses a plate 38 for connections, such as a

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microphone connection 42 and an auxiliary connection 44 (see figure 2). It would have been obvious for one of ordinary skill in the art at the time the invention was made to include a plate with connections to allow a portable device to be more compatible and versatile with various other audio components.

As discussed above in the rejection of claim 14, Kloss discloses including an amplifier, which is well known in the art. Molay also discloses an amplifier 81 as well, shown in figure 5.

Regarding **claim 17**, Molay discloses a plate 38 for including a microphone connection 42 (see figures 1 and 2). It would have been well known in the art at the time the invention was made to include a microphone connection in order to provide a portable public address system to be used in various locations such as meetings, conventions, parties, tours etc. (col. 1-lines 35-41).

Regarding **claims 18 and 19**, Kloss discloses everything claimed as applied above (see claim 1). Kloss fails to specifically disclose or fairly suggest battery. However, Molay discloses the use of batteries or an AC plug (col. 1-lines 64-67), which is obvious that it could be attached to an external power source of any type.

Claim Rejections - 35 USC § 103

7. **Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kloss (US Patent No. 5,046,104) in view of Molay (US Patent No. 4,052,561) and in further view of Leonovich Jr. (US Patent No. 4,939,912).

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Regarding **claim 20**, Kloss in view of Molay fails to specifically disclose or fairly suggest sending and receiving signals by means of a radio. However, Leonovich, Jr. discloses a portable cooler with an audio receiver and audio system shown in figure one. Leonovich, Jr. further discloses a portable carrying case with speakers and a storage compartment, which includes a radio. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to include a radio in the system disclosed in Kloss in order to provide a portable carrying case compatible with various other audio systems and would truly provide a portable audio system with storage capacity.

Claim Rejections - 35 USC § 103

8. **Claim 22** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kloss (US Patent No. 5,046,104).

Regarding **claim 22**, it would have been obvious to include a mounting means as it is well known in the art to have various means to mount speakers in many different locations.

Conclusion

9. **Claims 9-13 and 21** are objected to as being dependent upon a rejected base claim.

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10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gay et al. (US Patent No. 5,390,246) discloses a portable multimedia marketing system.

Brown (US Patent No. 4,324,951) discloses an acoustic coupling system.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. McChesney whose telephone number is (703) 308-4563. The examiner can normally be reached Monday – Friday, 8:00 am – 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

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EAM *EAM*
August 5, 2002

Forester W. Isen
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